



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,657	12/11/2001	Zoltan Papp	2011808	4794

34018 7590 05/03/2005

GREENBERG TRAURIG, LLP
77 WEST WACKER DRIVE
SUITE 2500
CHICAGO, IL 60601-1732

EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
----------	--------------

3677

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/014,657	Applicant(s) PAPP, ZOLTAN	
	Examiner James R. Brittain	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 7-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restriction

Applicant's election of Group I, comprising claims 1-6, in Paper No. 8 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 7-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 8.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lilja et al. (US 5547322) in view of Glynn (US 3179969).

Lilja et al. (figure 1) teaches holding device with at least one operating mount, tow which fastening means that are stressed upon traction can be fixed, as well as with a securing unit for mounting the holding device in a stationary mount, whereby the securing unit has two stopping catches 9 distanced from one another, the stopping catches are positioned on elastically movable support units 11, 13 which are connected with one another by means of a transverse section 12 which is dimensionally stable in the mounted condition in that it doesn't change dynamically

Art Unit: 3677

when mounted, the transverse section having two opposed end regions which are spaced apart, the elastically movable support units emanating from respective ones of the two opposed end regions of the transverse section, and the stopping catches being spaced apart a distance substantially less than the distance separating the opposed end regions of the transverse section, through which any pulling force that may be exerted upon the transverse section causes the constricted regions disposed between the stopping catches to move outwardly against the edge sections in the same manner as applicant's device. Additionally, note in figure 2 of Lilja et al. that the thickness of transverse section, which is in the vertical direction as shown, is constant and greater than the thickness of the movable support units in the direction shown in figure 2. The difference is that the actual edge sections are not shown, though Lilja et al. clearly indicate that the fastener is secured to a hole in a wall or post and is to secure a net, wire or cable. It would have been obvious to have the hole in the post in view of Glynn (figures 1-3) suggesting securing a fastener utilized in traction within a hole so as to have the device snap fastened in the hole. As to claim 5, to make the transverse section thicker than the support units would have been obvious in view of Glynn in which the transverse section 5 defining the lug is of greater thickness than the resilient securing sections 18 so as to better secure the lug. In regard to claim 6, Glynn suggests modifying the fastener of Lilja et al. so that there is a rotational asymmetry so that the device won't twist in the opening.

Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Lilja et al. (US 5547322) in view of Glynn (US 3179969) as applied to claim 1 above, and further in view of Holman, Jr. (US 4083312).

Further modification of the fastener of Lilja et al. such that the elastically movable support units are at least the same length as the transverse section would have been obvious in view of Holman, Jr. (figure 2) suggesting the elastically movable support units 38, 40 being longer than the transverse section 42 so as to space the transverse section from the support structure.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues that the teachings of Lilja et al. and Glynn are cannot be combined in view of an alleged divergent, indeed, directly opposite teachings of the references. In response, there obviously are differences in the function and structure of the devices of Lilja et al. and Glynn, however, the fact that the holding device of one is slightly more resilient than the other doesn't preclude any teaching from Glynn being applicable to the teachings of Lilja et al. After all, Glynn is being utilized to show that the use of a hole to secure the holding device is old and well known in the art. Presumably, applicant would agree that the use of a hole to receive the fastener of the type of Lilja et al. is known in the art. Applicant identifies that the securement of holding clips in mounts are known in the prior art in [0002] and [0003] and it is not understood why an argument is presented that a reference showing a fastener secured in a hole, after all this is what Glynn is being utilized for, is somehow disqualified and an argument that placing a holding device in a hole should be considered persuasive. While there may be differences, the presented arguments are unpersuasive.

Conclusion

Art Unit: 3677

The patent of Wenk (US 1964013, figures 9, 12) teaches pertinent holding device structure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

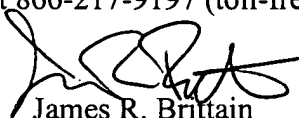
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain
Primary Examiner
Art Unit 3677

JRB